

12/02/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2119

NAME AND ADDRESS: JAMES B ADKINS
PO BOX 16
YELLOW PINE ID 83677

GERALDINE ADKINS
PO BOX 16
YELLOW PINE ID 83677

SOURCE: ZENA CREEK

TRIBUTARY: SECESH RIVER

QUANTITY: 7.100 CFS

PRIORITY DATE: 01/11/1954

POINT OF DIVERSION:

T20N R06E S29 NENESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	7.000 CFS
IRRIGATION	04/01 10/31	0.100 CFS

PLACE OF USE: POWER Within VALLEY County

T20N R06E S29 NWSE

IRRIGATION Within VALLEY County

T20N R06E S29	SWNE	3.0	T20N R06E S29	NWSE	2.0
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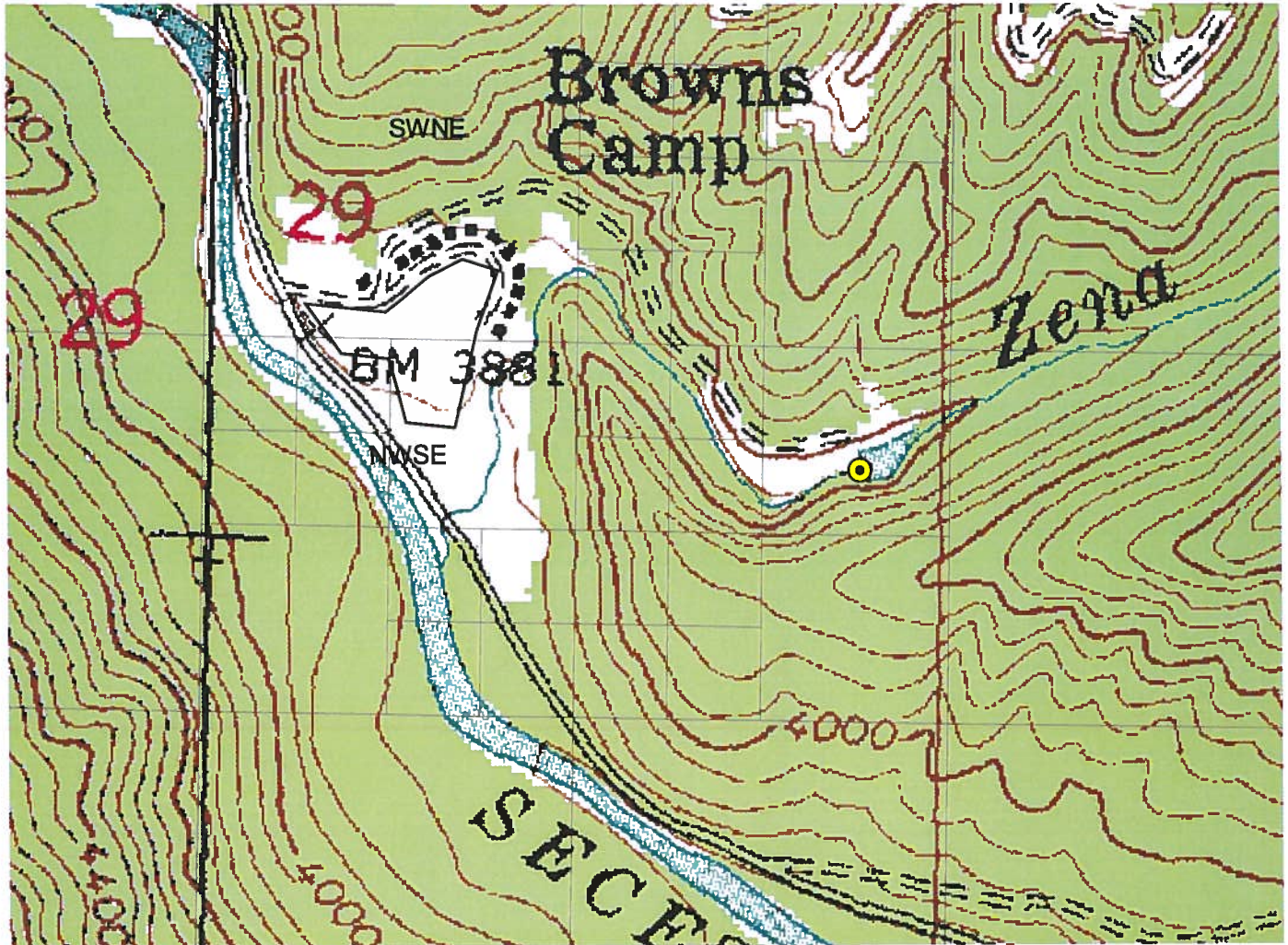
5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

77-2119



0 500 1000 Feet

Section 29
T20N R6E



- Point of Diversion
- Place of Use

Map prepared on December 6, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

State of Idaho

License and Certificate of Water Right

77-2119

Water License No. 24617 Priority January 11, 1959 Amount 7.1 c.f.s.

THIS IS TO CERTIFY that BROWN'S TIE & LUMBER COMPANY

of McCall, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 16, 1953; that Permit No. 24617 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 8.0 second feet, was issued thereunder on October 8, 1954, showing that said works were completed on the 20th day of April, 1959; and that on the 27th day of January, 1965, BROWN'S TIE & LUMBER CO.

of McCall, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Zena Creek

a tributary of Seech Creek for the purpose of irrigation and power under Use Permit No. 24617 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8538, on the 10th day of August, 1966.

The right hereby confirmed dates from January 11, 1954.

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 28, Twp. 20 N. R. 6 E., B.M. Valley County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.1 cubic feet per second.

Description and location of use:

Page	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
20	N 3	29	NW 1/4 SEC.	40	5
			0.1 c.f.s. for irrigation 7.0 c.f.s. for power		

Find FS overlay

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho this 10th day of August, 1966.

Deputy

State Reclamation Engineer

24617

RECEIVED

01/05/2006

JAN 26 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-2119

JAMES B ADKINS
PO BOX 16
YELLOW PINE ID 83677

GERALDINE ADKINS
PO BOX 16
YELLOW PINE ID 83677

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1-22-06

SIGNATURE:

Please print your name:

JAMES B ADKINS

GERALDINE A. ADKINS

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

SCANNED

JAN 27 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A77-02119Date Received 11-23-88Receipt Number W001760

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 23 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) James B. Adkins and Geraldine Adkins Phone () _____Mailing Address P.O. Box 16; Yellow Pine, Idaho Zip 836772. Date of Priority (Only one (1) per claim) January 11, 19543. Source of water supply (a) Zena Creekwhich is tributary to (b) Secesh Creek4. a. Location of existing point of diversion is: Township 20N Range 6E Section 29,
N/E 1/4 of N/E 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Valley

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion structure constructed across Zena Creek
at elevation 3968'. Reservoir capacity is approximately 4 acres
structure is 40 feet wide. There is a 16" conduit from
dam to power house.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .1 cfs or _____

For Power purposes from 1/1 to 12/31 amount 7.0 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.1 c.f.s. (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Hydropower generation, Domestic use

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
20N	6E	29														5			5
20N	6E	29														P			
20N	6E	29														D			

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (✓)

14. Remarks:

Last Name Adkins Ident No. _____

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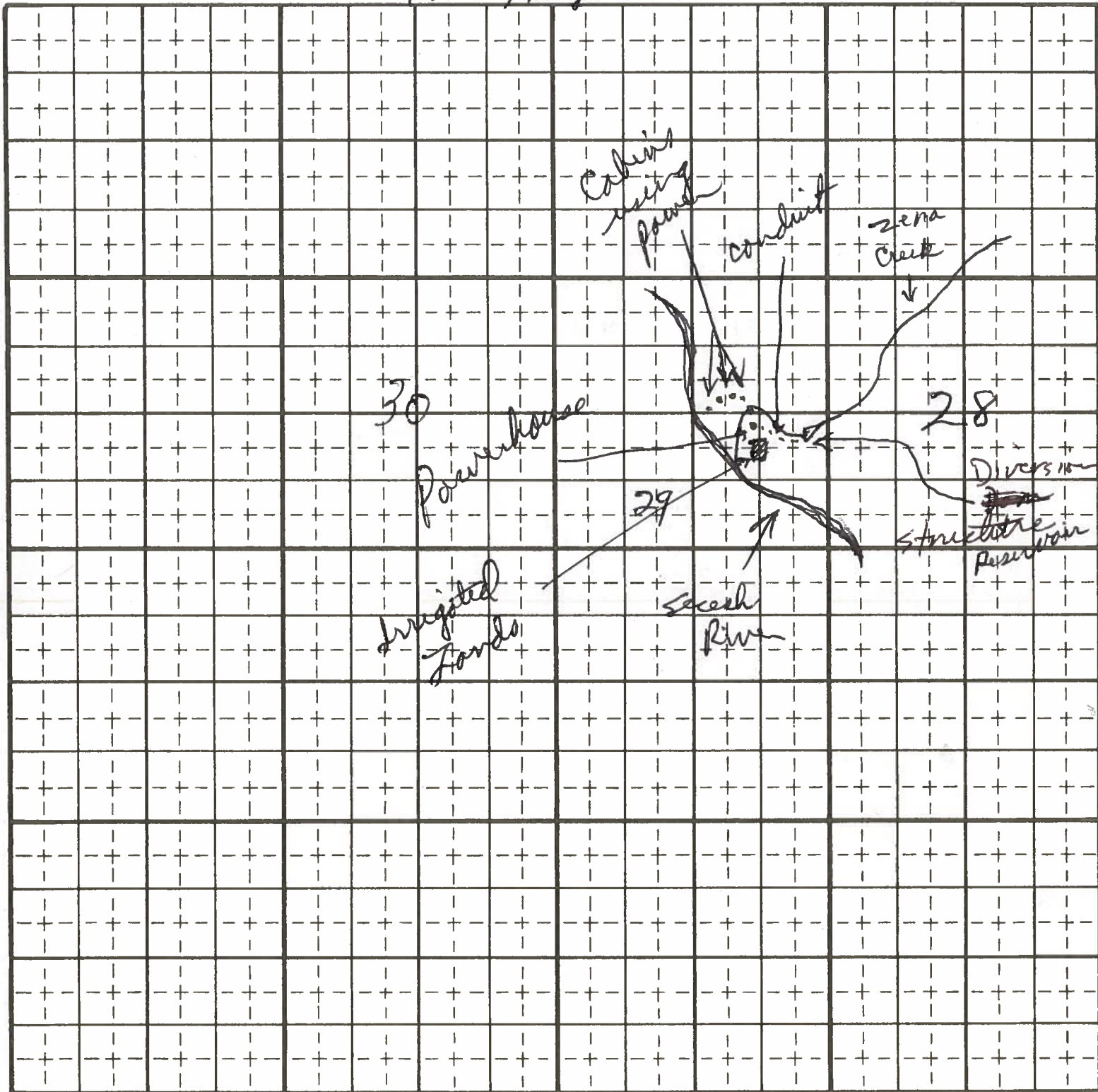
Copies: White- State, Yellow-Claimant

OCT 05 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 20 N ; Range 6 E , B. M.



Last Name Adkins Ident No. _____

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Copies: White State, Yellow Claimant
OCT 05 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit 77-2119
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *James B. Adkins*

Date Nov. 21, 1988

Bernadine Adkins

Date Nov. 21, 1988

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

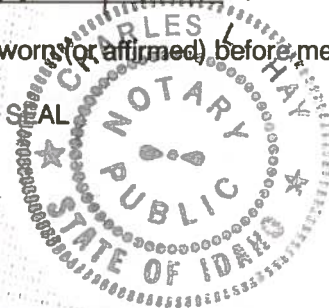
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 21st day of November 19 88



Notary Public Charles Z. Flay

Residing at Cascade, Idaho

My Commission Expires 12/18/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

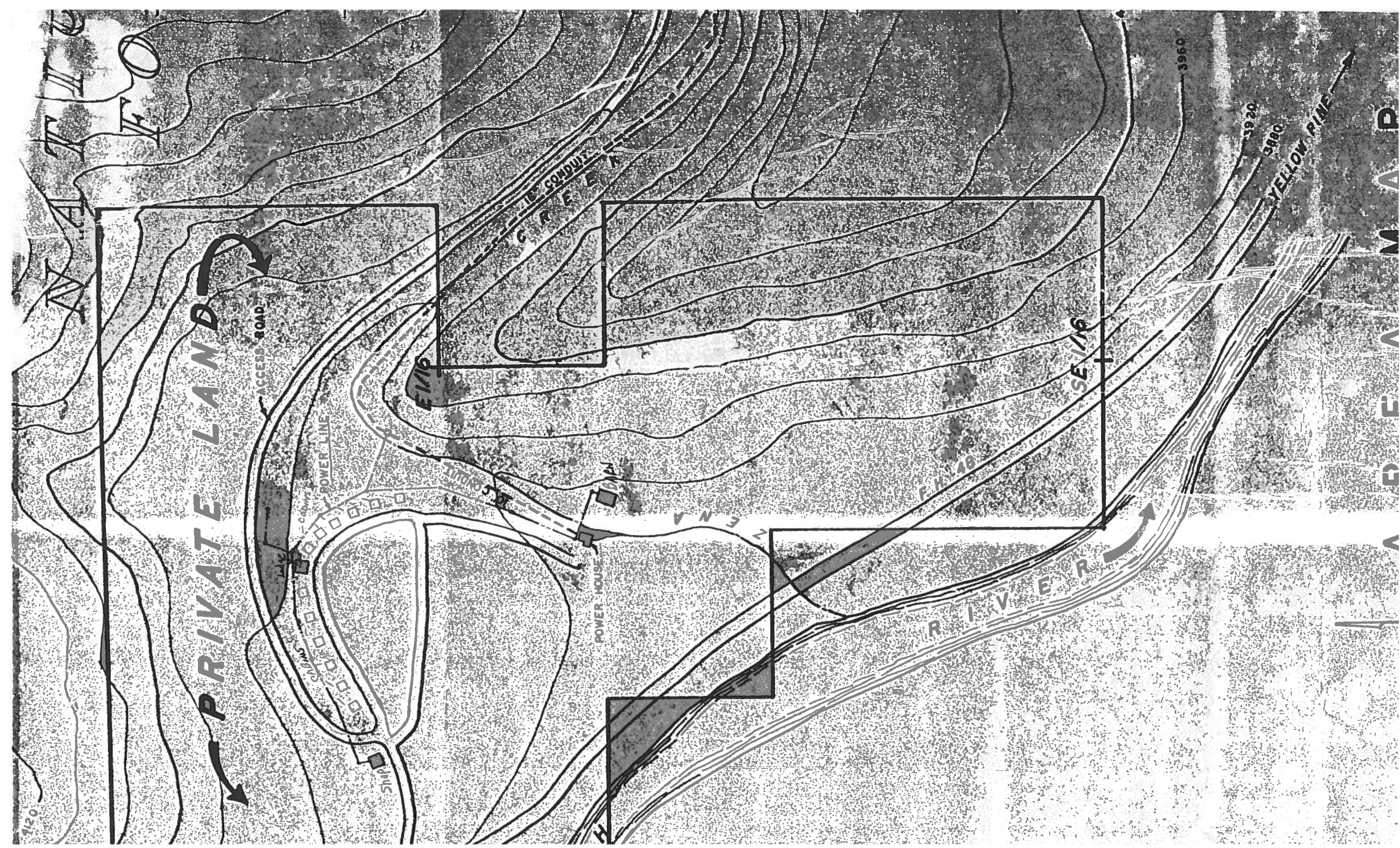
Signature _____

Address _____

Date _____

Last Name Adkins Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
OCT 05 1992



FORE



PRIVATE LAND

ACCESS ROAD

POWER LINE

TINNO 5-2

POWER HOUSE

DIVERSION
STRUCTURE

CONDUIT

6/24

F.H. 48

RIVER

SE 1/16

YELLOW PINE



AREA MAP

SCALE 1"=200'

CONTOUR INTERVAL 40'

CHANGING 7.5-MINUTE SERIES 1969

LAW OFFICE OF

Charles L. Hay

PONDEROSA PLAZA

P.O. BOX 1039

CASCADE, IDAHO 83611

AREA CODE 208

382-3234

November 21, 1988

Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED
NOV 23 1988

Department of Water Resources
Western Regional Office

Re: Adkins claim

Ladies and Gentlemen:

Enclosed please find the Adkins claim. The dam wording was changed to diversion structure because it is not really a dam any more. They slow the water down, but do not impound it, and I didn't know this until the Adkins came out from Yellowpine to sign this form. According to the Forest Service special use permit, their capacity is 7 kilowatts, so they owe \$50.00 plus 7 x \$3.50 or \$24.50, plus \$5.00 for irrigation or \$79.50 altogether. Please call if you have any questions.

Very truly yours,

Charles L. Hay

Charles L. Hay

Encl

MICROFILMED

OCT 05 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Adkins, James & Geraldine CLAIM IDENT. NO. A77-02119DATE RECEIVED 23 Nov 88 CK # 1343 AMOUNT \$ 79.50

- | | YES | NO | Required Info? |
|--|----------|----------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | | * |
| 2. Is a priority date entered? | <u>X</u> | | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | | * |
| 3. (a) Is a source entered? | <u>X</u> | | * |
| (b) Is a tributary to entered? (if required) | <u>X</u> | | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | | * |
| 5. Is there a description of the diverting works? | <u>X</u> | | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | | |
| Is the period of use included? | <u>X</u> | | |
| Is a quantity claimed for each use? | <u>X</u> | | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | | |
| 8. If required is a consumptive use entered? | <u>X</u> | | |
| Is the consumptive use correct? | <u>X</u> | | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>X</u> | | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | | |
| 13. Are other water rights listed or "none" indicated? | | | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | <u>X</u> | | |
| 15. Is the basis of the claim indicated? | <u>X</u> | | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | | <u>X</u> | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | <u>X</u> | | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | | * |
| 20. Is the fee enclosed correct? | <u>X</u> | | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | | |
| 22. Should this claim be receipted and data entered? | <u>X</u> | | |

Claim checked by: RBW Date: 12-22-88Claim must be returned to claimant: (Yes) X (No)Claimant must be sent a copy of amended claim for approval: (Yes) X (No)Receipt Prepared by: RBW Date: 12-22-88Claim data entered by: Date: Checked by: Date: Sent to claimant by: Date: Comments: Code "C" Change in P/D - Add to remarks
7 KW generation capacity (per cover letter.) **MICROFILMED**

OCT 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-02119
Date Received: 11/23/1988
Receipt No: W001760
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES B. ADKINS
Address: P.O. BOX 16
YELLOW PINE, ID 83677

Name: GERALDINE ADKINS
Address: P.O. BOX 16
YELLOW PINE, ID 83677

2. Date of Priority: JAN 11, 1954

3. Source: ZENA CREEK Trib. to: SECESH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	06E	29	NE	NE	SE		VALLEY

5. Description of diverting works:
40' WIDE DIVERSION STRUCTURE ACROSS ZENA CREEK. CONDUIT TO POWER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
POWER	01/01	12/31	7.000		

7. Total Quantity Appropriated is:
7.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
HYDROPOWER GENERATION, DOMESTIC

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
20N	06E	29	NW		SE		IRR	5.0
			NW		SE		POWER	
			NW		SE		DOMEST	

Section Acres 5.0

Total Acres **5.0**

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
7 KW GENERATION CAPACITY

15. Basis of Claim: LICENSE
Water Right Number: 24617

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____